

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**DEFENDANT GOOGLE LLC’S RENEWED REQUEST
FOR A STATUS CONFERENCE**

Defendant Google LLC (“Google”) respectfully renews its request that the Court schedule a status conference, at the Court’s earliest convenience, to discuss the impact on this case of Plaintiff Singular LLC’s current claim construction position in pending appeals before the U.S. Court of Appeals for the Federal Circuit, a position that Singular has raised in its opposition to Google’s appeals of certain aspects of the *inter partes* review trials that the Patent Office conducted against Singular’s asserted patents. Google previously requested a status conference to discuss this issue on January 9, 2023, but no conference was held. Dkt. No. 404.

In opposing Google’s pending appeals, Singular is asking the Federal Circuit to adopt a claim construction that, if adopted, would provide Google additional dispositive non-infringement defenses beyond those it currently has.¹ With expert reports now submitted and the deadline for

¹ At a December 7, 2022 status conference, counsel for Google explained to the Court that Singular indicated that it expected in its cross-appeals to ask the Federal Circuit to adopt a claim construction Singular had advocated for during the IPR proceedings. This would have meant that Singular would have asked the Federal Circuit to construe a claim term (“low precision high dynamic range execution unit”) differently from this Court, and in a way that would provide Google with another non-infringement argument. Dkt. No. 398 at 9:6-10:17. Singular dropped its cross-appeals after Google’s counsel raised this issue at the December 7, 2022 status

summary judgment motions approaching, Google believes a status conference to discuss how best to deal with the pending appeals is warranted.

Should it be helpful to the Court, Google would be willing to file prior to any status conference a short 3-page submission providing more specific details on the claim construction position Singular is advocating before the Federal Circuit and how (if adopted by the Federal Circuit) it would provide Google additional non-infringement defenses.

Respectfully submitted,

Dated: March 17, 2023

By: /s/ Nathan R. Speed
Gregory F. Corbett (BBO #646394)
gcorbett@wolfgreenfield.com
Nathan R. Speed (BBO # 670249)
nspeed@wolfgreenfield.com
Elizabeth A. DiMarco (BBO #681921)
edimarco@wolfgreenfield.com
Anant K. Saraswat (BBO #676048)
asaraswat@wolfgreenfield.com
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone: (617) 646-8000
Fax: (617) 646-8646

Robert Van Nest (admitted *pro hac vice*)
rvannest@keker.com
Michelle Ybarra (admitted *pro hac vice*)
mybarra@keker.com
Andrew Bruns (admitted *pro hac vice*)
abruns@keker.com
Vishesh Narayen (admitted *pro hac vice*)
vnarayan@keker.com
Christopher S. Sun (admitted *pro hac vice*)
csun@keker.com
Anna Porto (admitted *pro hac vice*)
aporto@keker.com
Deeva Shah (admitted *pro hac vice*)

conference, thus potentially mooted the conflict in Singular's positions. But Singular ended up maintaining the conflict in its positions because its Federal Circuit briefing in opposition to Google's appeals raised a similar claim construction issue that, like the claim construction that would have supported the cross-appeal, provides Google with additional non-infringement defenses.

dshah@keker.com
Stephanie J. Goldberg (admitted *pro hac vice*)
sgoldberg@keker.com
Eugene M. Paige (admitted *pro hac vice*)
epaige@keker.com
KEKER, VAN NEST & PETERS LLP
633 Battery Street
San Francisco, CA 94111-1809
Telephone: (415) 391-5400

Michael S. Kwun (admitted *pro hac vice*)
mkwun@kblfirm.com
Asim M. Bhansali (admitted *pro hac vice*)
abhansali@kblfirm.com
KWUN BHANSALI LAZARUS LLP
555 Montgomery Street, Suite 750
San Francisco, CA 94111
Telephone: (415) 630-2350

Matthias A. Kamber (admitted *pro hac vice*)
matthiaskamber@paulhastings.com
PAUL HASTINGS LLP
101 California Street, 48th Floor
San Francisco, CA 94111
Telephone: (415) 856-7000
Fax: (415) 856-7100

Ginger D. Anders (admitted *pro hac vice*)
Ginger.Anders@mto.com
J. Kain Day (admitted *pro hac vice*)
Kain.Day@mto.com
MUNGER, TOLLES & OLSON LLP
601 Massachusetts Avenue NW, Suite 500E
Washington, D.C. 20001
Tel: (202) 220-1100

Jordan D. Segall (admitted *pro hac vice*)
Jordan.Segall@mto.com
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071-3426
Tel: (213) 683-9100

Counsel for Defendant Google LLC

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed